

AMENDED IN ASSEMBLY AUGUST 14, 2013

AMENDED IN ASSEMBLY MARCH 21, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1102

Introduced by Assembly Member ~~Grove~~ Members Allen and Quirk-Silva
(Principal coauthors: Assembly Members Donnelly and Mansoor)
(Coauthors: Assembly Members Beth Gaines and Hagman)
(Coauthors: Senators Nielsen, Walters, and Wyland)

February 22, 2013

An act to add Section ~~38572~~ 40440.15 to the Health and Safety Code, relating to ~~air resources~~; *nonvehicular air pollution*.

LEGISLATIVE COUNSEL'S DIGEST

AB 1102, as amended, ~~Grove~~ Allen. ~~Air resources: greenhouse gas emissions.~~ *South Coast Air Quality Management District: beach burning.*

Existing law establishes the South Coast Air Quality Management District vested with the authority to regulate air emissions from stationary sources located in the South Coast Air Basin and establishes a district board to govern the district. Existing regulations of the district prohibit a person from engaging in a recreational, ceremonial, or open burning conducted in a public coastal area marked by an accumulation of sand, as specified.

This bill would prohibit the district from enacting a rule that prohibits a person from engaging in a beach burning for a recreational, ceremonial, or open burning conducted in a public coastal area marked by an accumulation of sand.

This bill would make legislative findings and declarations as to the necessity of a special statute for the south coast district.

~~The California Global Warming Solutions Act of 2006 authorizes the State Air Resources Board, known as ARB, by regulation, to adopt a market-based compliance mechanism to further the achievement of the statewide greenhouse gas emissions limits.~~

~~This bill would require the ARB, if the ARB adopts a market-based compliance mechanism that provides for the auctioning of greenhouse gas allowances, to auction program allowances consigned by an electrical corporation or a local publicly owned electric utility before auctioning any other allowances.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~yes~~-no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. *The Legislature finds and declares all of the*
2 *following:*

3 (a) *As the Legislature confirmed with Assembly Concurrent*
4 *Resolution 52 (Chapter 52 of the Statutes of 2013), beach bonfires*
5 *contained in fire rings should be allowed on all beaches in*
6 *California.*

7 (b) *Beach bonfires are an inexpensive recreational activity and*
8 *are enjoyed by all the members of our community regardless of*
9 *socioeconomic class.*

10 (c) *Fire rings are usually large cement rings in the sand used*
11 *to build your very own bonfire on the beach.*

12 (d) *The California Coastal Commission staff report of October*
13 *22, 2012, stated, "Beach fire rings are a unique recreational*
14 *facility for which there is no substitution."*

15 (e) *Amendments to Rule 444 by the South Coast Air Quality*
16 *Management District were voted on at a hearing on July 12, 2013,*
17 *and any actions by that vote on regulatory language and any*
18 *subsequent action resulting from it need to be nullified.*

19
20 SEC. 2. *Section 40440.15 is added to the Health and Safety*
21 *Code, to read:*

22 40440.15. *The south coast district shall not prohibit a person*
23 *from engaging in a beach burning for a recreational, ceremonial,*

1 *or open burning conducted in a public coastal area marked by an*
2 *accumulation of sand.*

3 *SEC. 3. The Legislature finds and declares that a special law*
4 *is necessary and that a general law cannot be made applicable*
5 *within the meaning of Section 16 of Article IV of the California*
6 *Constitution because of the need to protect visitor-generated*
7 *revenues that are used to fund essential programs, such as those*
8 *for the protection of public safety and parks, within the jurisdiction*
9 *of the South Coast Air Quality Management District.*

10 ~~SECTION 1. Section 38572 is added to the Health and Safety~~
11 ~~Code, to read:~~

12 ~~38572. If the state board adopts a market-based compliance~~
13 ~~mechanism pursuant to this part that provides for the auctioning~~
14 ~~of greenhouse gas allowances, the state board shall auction program~~
15 ~~allowances consigned by an electrical corporation or a local~~
16 ~~publicly owned electric utility before auctioning any other~~
17 ~~allowances.~~